

FILED

UNITED STATES COURT OF APPEALS

APR 18 2014

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

In the Matter of: MERIDIAN SUNRISE
VILLAGE LLC,

Debtor,

U.S. BANK NATIONAL
ASSOCIATION,

Appellant,

v.

MERIDIAN SUNRISE VILLAGE LLC,

Appellee.

No. 14-35318

D.C. No. 3:13-cv-05503-RBL
Western District of Washington,
Tacoma

ORDER

The appeal filed April 16, 2014 appears to be a preliminary injunction appeal because the district court's judgment affirmed a preliminary injunction entered by the bankruptcy court. Accordingly, Ninth Circuit Rule 3-3 shall apply.

The mediation questionnaire is due three days after the date of this order.

However, the court's records reflect that the notice of appeal was filed during the pendency of a timely filed motion listed in Federal Rule of Appellate Procedure 4(a)(4). The notice of appeal is therefore ineffective until entry of the

order disposing of the last such motion outstanding. *See* Fed. R. App. P. 4(a)(4). Accordingly, appellate proceedings other than mediation shall be held in abeyance pending the district court's resolution of the pending motion. *See Leader Nat'l Ins. Co. v. Indus. Indem. Ins. Co.*, 19 F.3d 444, 445 (9th Cir. 1994).

Within 5 days after the district court's ruling on the pending motion, appellant shall notify this court in writing of the ruling and shall advise whether appellant intends to prosecute this appeal.

To appeal the district court's ruling on the post-judgment motion, appellant must file an amended notice of appeal within the time prescribed by Federal Rule of Appellate Procedure 4.

The Clerk shall serve this order on the district court.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Susan Landsittel
Deputy Clerk